

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL ORRIN BAKER,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 05-147E
	)	
UNITED STATES OF AMERICA	)	JUDGE McLAUGHLIN
GOVERNMENT OFFICIALS AT	)	
FCI-McKEAN, WARDEN, OFFICER	)	ELECTRONICALLY FILED
B. WESEMEN, MEDICAL DEPARTMENT	)	
	)	
Defendants.	)	

**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO ANSWER OR  
OTHERWISE MOVE WITH RESPECT TO  
PLAINTIFF'S COMPLAINT**

AND NOW, come Defendants, United States of America, Government Officials at FCI-McKean, Warden, Officer B. Wesemen, and Medical Department, by their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney, and, pursuant to Fed. R. Civ. P. 6 (b) (1), file the following Motion for an Extension of Time to Answer or Otherwise Move With Respect to Plaintiff's Complaint. In support of his Motion, Defendant respectfully avers as follows:

1. On May 16, 2005, Plaintiff filed two (2) civil actions, at C.A. No. 05-146E and C.A. No. 05-147E.

2. As of this date, Plaintiff has failed to serve the U.S. Attorney's Office with either a Complaint or Summons at either of the above-listed civil action numbers.

3. Counsel for the undersigned is in receipt of a copy of the Complaint at C.A. No. 05-147E, which was forwarded by personnel at FCI-McKean, but has not seen the Complaint at C.A. No. 05-146E.

4. Arguably, the Bureau of Prisons would have to file a response by November 8, 2005.

5. The undersigned counsel asks for an extension of sixty (60) days to allow the *pro se* Plaintiff to perfect service upon the U.S. Attorney's Office and to file a responsive pleading(s).

6. Due to Plaintiff's *pro se* status, the undersigned counsel did not contact Plaintiff for his position to this Motion but did send a copy of this Motion to him.

WHEREFORE, Defendants, United States of America, Government Officials at FCI-McKean, Warden, Officer B. Wesemen, and Medical Department, respectfully request that the Court issue an Order enlarging for 60 (sixty) days, the time within which Defendants may answer, move and/or otherwise plead to plaintiff's Complaint.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

s/Paul E. Skirtich  
PAUL E. SKIRTICH  
Assistant U.S. Attorney  
Western District of PA  
700 Grant Street, Suite 4000  
Pittsburgh, PA 15219  
(412) 894-7418  
PA ID No. 30440

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of November, 2005, a true and correct copy of the foregoing Defendant's Motion for an Extension of Time to Answer or Otherwise Move With Respect to Plaintiff's Complaint was electronically filed and/or served by first-class U.S. mail, to the following:

Darryl Orrin Baker  
Plaintiff *Pro Se*  
Reg. No. 19613-039  
FCI Lisbon  
Post Office Box 10  
Lisbon, OH 44432-0010

s/Paul E. Skirtich  
PAUL E. SKIRTICH  
Assistant U.S. Attorney